

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

PATRICK LEWIS HUBBARD

PLAINTIFF

V.

CIVIL ACTION NO. 4:21-CV-00002-GHD-JMV

SHERIFF ROLANDO FAIR, et al.

DEFENDANTS

ORDER TO SHOW CAUSE

Plaintiff Patrick Lewis Hubbard, proceeding *pro se*, filed the instant civil rights action on January 8, 2021, while he was incarcerated at the Grenada County Jail. Doc. # 1. The undersigned subsequently scheduled a hearing as set forth in *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), to determine whether any of Plaintiff's claims filed under 42 U.S.C. § 1983 have sufficient merit to proceed.

The undersigned convened the *Spears* hearing, via videoconference, as scheduled on June 8, 2021, at 9:30 a.m. in Courtroom 2 at the Federal Building located in Greenville, Mississippi. *See* Doc. # 8. Plaintiff's name was called three times in the courtroom and outside the courtroom in Greenville, but he was not present.¹ The court additionally telephoned the Grenada County Jail, Plaintiff's last known address, but Plaintiff had been released on bond and, consequently, was not there.²

A few minutes later, the undersigned became aware that Plaintiff had contacted the clerk's office in Oxford, Mississippi, and connected him to the hearing via telephone. Once the undersigned began asking Plaintiff questions regarding his claims, Plaintiff ended the call. The undersigned attempted to get Plaintiff back on the line, using the number he called on, but

¹ The undersigned additionally confirmed that Plaintiff was not present at the federal courthouse in Oxford, Mississippi.

² The undersigned notes that it is Plaintiff's responsibility to keep the Court apprised of his current address. *See* Doc. # 8.

Plaintiff did not pick up, nor was it possible to leave a voicemail. In short, Plaintiff failed to appear before the undersigned so that his claims could be properly assessed.

Accordingly, Plaintiff is hereby directed to show cause within twenty-one (21) days from the date of this order why he failed to appear for the hearing as directed. Plaintiff's failure to do so may result in his claims being dismissed for failure to prosecute and obey an order of the Court as provided by Rule 41(b) of the Federal Rules of Civil Procedure.

Respectfully submitted, this, the 8th day of June, 2021.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE